



Docket/Matter No. 78.US4.CIP

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Applicant : Dumas Milne Edwards, et al.

Appl. No. : 09/876,997

Filed : June 8, 2001

Title : FULL-LENGTH HUMAN CDNAS  
ENCODING POTENTIALLY SECRETED  
PROTEINS

Grp./A.U. : 1645

Examiner : Unassigned

Assistant Commissioner of Patents  
Box: Missing Parts  
Washington, D.C. 20231

**RESPONSE TO THE NOTICE TO FILE MISSING PARTS  
OF NONPROVISIONAL APPLICATION**

Sir:

In response to the Notice To File Missing Parts Of Nonprovisional Application  
dated July 25, 2001, enclosed please find the following documents:

	<u>Document</u>	<u>Quantity</u>
1)	Copy of the Notice To File Missing Parts Of Nonprovisional Application	1 page
2)	Declarations for Utility or Design Patent Application signed by Jean-Baptiste Dumas Milne Edwards, Lydie Bougueleret and Severine Joubert	4 pages
3)	Powers of Attorney or Authorization of Agent	3 pages
4)	Statement Under 37 CFR 3.73(b) (with copies of the Assignments)	7 pages
5)	Our check in the amount of \$65.00 in payment of the surcharge - Small Entity Status is asserted	
6)	Assignments executed by Jean-Baptiste Dumas Milne Edwards, Lydie Bougueleret and Severine Joubert; Assignment Recordation Cover Page	6 pages

	<u>Document</u>	<u>Quantity</u>
7)	Our check in the amount of \$40.00 in payment of the recordation fee	
8)	Return Receipt Postcard	

Please charge any additional fees, or credit overpayment to Deposit Account No. 50-1181.

Respectfully submitted,

GENSET CORPORATION

Date: 27 Nov, 2001 By: John Lucas  
John Lucas, Ph.D., J.D.  
Reg. No. 43,373

10665 Sorrento Valley Road  
San Diego, CA 92121-1609

Telephone: (868) 597-2610  
Facsimile: (858) 597-2600  
e-mail: john.lucas@genxy.com

**Certificate of Mailing**

Date of Deposit: Nov. 27, 2001

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, on the Date of Deposit shown above, postage prepaid and in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231 or U.S. Patent and Trademark Office, P.O. Box 2327, Arlington, VA 22202.

CM McClure  
Signature  
CM McClure  
Typed or Printed Name of Person Signing Certificate



Please type a plus sign (+) inside this box → ☐

PTO/SB/21 (08-00)  
Approved for use through 10/31/2002. OMB 0651-0031  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>	<b>Application Number</b>	09/876,997
	<b>Filing Date</b>	June 8, 2001
	<b>First Named Inventor</b>	Dumas Milne Edwards, et al.
	<b>Group Art Unit</b>	1645
	<b>Examiner Name</b>	Unassigned
<b>Total Number of Pages in This Submission</b>	<b>Attorney Docket Number</b>	78.US4.CIP

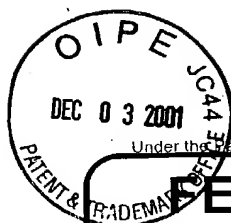
ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input checked="" type="checkbox"/> Response to Missing Parts/Incomplete Application <input checked="" type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input checked="" type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Statement Under 37 CFR 3.73(b)
<b>Remarks</b>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm or Individual name	John Lucas, Ph.D., J.D.	Reg. No. 43,373
Signature		
Date	27 Nov 01	

CERTIFICATE OF MAILING			
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: <u>Nov. 27, 2001</u>			
Typed or printed name	<u>C. M. McClure</u>	Date	<u>11/27/2001</u>
Signature			

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

09876997 120301



PTO/SB/17 (10-01)  
Approved for use through 10/31/2002. OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE  
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# **FEE TRANSMITTAL** **for FY 2002**

Patent fees are subject to annual revision.

**TOTAL AMOUNT OF PAYMENT** (\$) **105.00**

## **Complete if Known**

Application Number	09/876,997
Filing Date	June 8, 2001
First Named Inventor	Dumas Milne Edwards, et al.
Examiner Name	Unassigned
Group Art Unit	1645
Attorney Docket No.	78.US4.CIP

## **METHOD OF PAYMENT**

1. ☐ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number **50-1181**  
Deposit Account Name **Genset Corp.**

- ☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17  
☒ Applicant claims small entity status. See 37 CFR 1.27

2. ☒ **Payment Enclosed:**  
☒ Check ☐ Credit card ☐ Money Order ☐ Other

## **FEE CALCULATION**

### **1. BASIC FILING FEE**

Large Entity Code (\$)	Small Entity Code (\$)	Fee Description	Fee Paid
101 740	201 370	Utility filing fee	
106 330	206 165	Design filing fee	
107 510	207 255	Plant filing fee	
108 740	208 370	Reissue filing fee	
114 160	214 80	Provisional filing fee	

**SUBTOTAL (1)** (\$) **0.00**

### **2. EXTRA CLAIM FEES**

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	=	X	
Multiple Dependent	=	X	

Large Entity Code (\$)	Small Entity Code (\$)	Fee Description	Fee Paid
103 18	203 9	Claims in excess of 20	
102 84	202 42	Independent claims in excess of 3	
104 280	204 140	Multiple dependent claim, if not paid	
109 84	209 42	** Reissue independent claims over original patent	
110 18	210 9	** Reissue claims in excess of 20 and over original patent	

**SUBTOTAL (2)** (\$) **0.00**

\*\*or number previously paid, if greater; For Reissues, see above

## **FEE CALCULATION (continued)**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
105 130	205 65	Surcharge - late filing fee or oath	65.00
127 50	227 25	Surcharge - late provisional filing fee or cover sheet	
139 130	139 130	Non-English specification	
147 2,520	147 2,520	For filing a request for <i>ex parte</i> reexamination	
112 920*	112 920*	Requesting publication of SIR prior to Examiner action	
113 1,840*	113 1,840*	Requesting publication of SIR after Examiner action	
115 110	215 55	Extension for reply within first month	
116 400	216 200	Extension for reply within second month	
117 920	217 460	Extension for reply within third month	
118 1,440	218 720	Extension for reply within fourth month	
128 1,960	228 980	Extension for reply within fifth month	
119 320	219 160	Notice of Appeal	
120 320	220 160	Filing a brief in support of an appeal	
121 280	221 140	Request for oral hearing	
138 1,510	138 1,510	Petition to institute a public use proceeding	
140 110	240 55	Petition to revive - unavoidable	
141 1,280	241 640	Petition to revive - unintentional	
142 1,280	242 640	Utility issue fee (or reissue)	
143 460	243 230	Design issue fee	
144 620	244 310	Plant issue fee	
122 130	122 130	Petitions to the Commissioner	
123 50	123 50	Processing fee under 37 CFR 1.17(q)	
126 180	126 180	Submission of Information Disclosure Stmt	
581 40	581 40	Recording each patent assignment per property (times number of properties)	40.00
146 740	246 370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149 740	249 370	For each additional invention to be examined (37 CFR § 1.129(b))	
179 740	279 370	Request for Continued Examination (RCE)	
169 900	169 900	Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3)** (\$) **105.00**

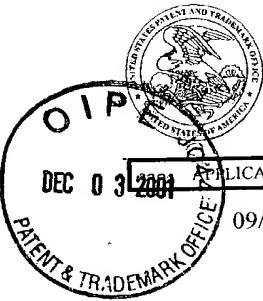
## **SUBMITTED BY**

Name (Print/Type)	John Lucas, Ph.D., J.D.	Registration No. (Attorney/Agent)	43,373	Telephone	(858) 597-2600
Signature	<i>John Lucas</i>	Date	27 Nov 01		

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/876,997	06/08/2001	Jean-Baptiste Dumas Milne Edwards	78.US4.CIP

CONFIRMATION NO. 2239

## FORMALITIES LETTER



\*OC00000006821141\*

John Lucas, Ph.D., J.D.  
GENSET CORP.  
10665 Sorrento Valley Road  
San Diego, CA 92121-1609

Date Mailed: 10/01/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

## Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 130.**

---

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

12/04/2001 BABRAHA1 00000031 09876997

01 FC:205

65.00 DP